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### REMARKS

#### 1. Status of the Claims

Claims 1-11, 20-23 and 28-33 are pending in the application. The Examiner has withdrawn Claims 20-23 and 30-33. In the above amendment, Claim 7 has been canceled, and Claims 1 and 20 have been amended. Upon entry of the above amendment, Claims 1-6, 8-11, 28, and 29 will be pending for examination.

#### 2. Summary of the Amendments

The specification has been amended to correct a typographical error on page 3, line 10, in the definition of  $R_g$ , to delete the second occurrence of the phrase "substituted alkyl." (The first occurrence of the phrase "substituted alkyl" in the definition of  $R_g$  is on page 3, line 9 of the specification as filed.)

Claim 1 has been amended to correct typographical errors, and to place the chemical structures correctly into the text of the claims. Additionally, to comply with the restriction requirement,  $n$  is defined as 0, and in the definition of  $R_3$ , the word "heterocycle" has been replaced with the phrase "5-membered heterocyclic ring containing at least 1 nitrogen atom". The second occurrence of "substituted alkyl" in the definition of  $R_g$  has been deleted.

Claim 7, which limited  $n$  to 0, has been canceled since this value has already been incorporated into amended Claim 1 as required by the restriction requirement.

In Claim 20, currently withdrawn, the definition of  $R_{28}$  has been amended to replace the word "heterocycle" with the phrase "5-membered heterocyclic ring containing at least 1 nitrogen atom" to comply with the Examiner's restriction of Claim 1.

#### 3. Restriction Requirement

In the June 15, 2004 Office Action, on page 3, starting at line 17, the Examiner stated that "the invention will encompass all compounds that fall within the scope of the claim is as follows:

A compound of formula (I) of claim 1 wherein:

$R_1$  is aryl,

$R_2$  is a group of formula (II), wherein

$A_1$ ,  $A_2$ , and  $A_{20}$  are as claimed,

$n$  is 0,

$R_7$  is as defined,

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$R_g$  is as defined,  
X is a direct bond, and  
 $R_3$  is N-linked heteroaryl or an N-linked heterocycle (limited to heterocyclic 5-membered nitrogen ring)."

4. Objections to the Claims

- a) Claims 1-11, 28 and 29 were objected to for containing non-elected subject matter.

Claim 1 has been amended to comply with the restriction requirement. Specifically, n is now 0; and  $R_3$  is N-linked heteroaryl or an N-linked 5-membered heterocyclic ring containing at least 1 nitrogen atom. Pending Claims 2-6, 8-11 and 28-29, and withdrawn Claims 29-33 depend from Claim 1, which now complies with the scope of the restriction requirement.

Additionally, Claim 20 (currently withdrawn) has been amended to comply with the scope of the restriction requirement. Specifically,  $R_{28}$  now is defined as an N-linked heteroaryl or an N-linked 5-membered heterocyclic ring containing at least 1 nitrogen atom. Claims 21-23 (also currently withdrawn) depend from Claim 20 and therefore, also now comply with the restriction requirement.

Applicants respectfully request that since Claims 1-6, 8-11, 28 and 29 have been amended to delete non-elected subject matter, that the objection against these claims be withdrawn.

Additionally, Applicants respectfully request that when the pending claims are found in condition for allowance, that the Examiner rejoin withdrawn Claims 20-23 (drawn to a compound of formula (V)), and Claims 30-33, drawn to a method of treatment, to the pending claims.

- b) The Examiner also pointed out a possible "typo" in Claim 1 (amended), lines 16-17, page 2; and page 3, line 2, of the May 25, 2004 Response to Restriction Requirement, for the expressions " $R_g$ " and " $R_h$ " and requested appropriate correction. Applicants thank the Examiner for his concern, but note that use of the terms " $R_g$ " and " $R_h$ " in amended Claim 1 are consistent with the original specification and claims as filed. Specifically, the expression " $R_g$ " refers to the optional substituents of any aryl of  $R_1$ - $R_3$ , and is supported in the specification as filed on page 3, line 8-14; and page 5, lines 13-19, and in original Claim 1. The expression " $R_h$ " refers to the optional substituents of any heteroaryl of  $R_2$ - $R_3$ , and is supported, for example, in the

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specification as filed on page 5, line 21 through page 6, line 2. Therefore, Applicants respectfully request that the objection regarding use of these terms in Claim 1 be removed.

5. PTO/SB/08a form listing non-English language reference FR 2 496 653

Applicants herewith submit a PTO/SB/08a form for review by the Examiner to make FR 2 496 653, a non-English language reference, of record in the above-identified application.

This reference was previously submitted as one of the references listed on the Information Disclosure Statement (IDS) submitted on December 8, 2003. However, instead of initialing off on the citation to FR 2 496 653 as having been considered, the Examiner identified the citation as a "non-English language document." Applicants assert that the December 8, 2003 IDS, pursuant to 37 C.F.R. §1.98, 3(i), included "a concise explanation of the relevance, as it is presently understood by the individual designated in §1.56(c) most knowledgeable about the content of the information of each patent, publication, or other information listed that is not in the English language."


However, in order to make FR 2 496 653 of record, Applicants submit a new PTO/SB/08a form solely listing FR 2 496 653, with an English language abstract for FR 2 496 653 attached. (The FR 2 496 653 reference has already been scanned into the PAIR system.)

Consideration of the listed document is respectfully requested. Additionally, the Examiner is respectfully requested to return an *initialed* copy of the enclosed PTO/SB/08a form to Applicants.

Should the Examiner wish to discuss any aspect of the present application at any time, the Examiner is invited to telephone the undersigned Agent for Applicants at (650) 808-6144.

Respectfully submitted,

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